

Assembly Bill No. 2232

CHAPTER 195

An act to amend Section 7910 of the Public Utilities Code, relating to communications service employees.

[Approved by Governor July 22, 2008. Filed with
Secretary of State July 22, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2232, De La Torre. Telephone corporations: state video franchiseholders: video providers: employee background checks.

Existing law, the Digital Infrastructure and Video Competition Act of 2006, establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems (state video franchiseholder), administered by the Public Utilities Commission. The act includes findings and declarations of the Legislature with respect to certain matters, including that the Legislature intends that collective bargaining agreements be respected.

Existing law requires background checks be conducted for applicants for employment by a telephone corporation only when those applicants will have direct contact with, or access to, the telephone corporation's network, central office, or subscriber premises. Existing law requires an equivalent background check be conducted for persons hired under a personal services contract, or hired by independent contractors or vendors of a telephone corporation, only when those hires have direct contact with, or access to, the telephone corporations's network, central office, or subscriber premises. Existing law provides that these background check provisions apply only to applicants for employment who apply for employment on and after January 1, 2003, and to contracts entered into on or after January 1, 2003.

The existing Video Customer Service Act requires a video provider, as defined, to establish customer service standards.

This bill would prohibit any individual from entering upon the premises of a customer on behalf of a telephone corporation, state video franchiseholder, or video provider unless he or she has had a background check. The bill would require background checks be conducted for applicants for employment by a telephone corporation, state video franchiseholder, or video provider if those applicants have direct contact with, or access to, the company's network or central office. The bill would require an equivalent background check be conducted for persons hired under a personal services contract, or hired by independent contractors or vendors of a telephone corporation, state video franchiseholder, or video provider when those hires have direct contact with, or access to, the company's network or central office. This bill would make these background check provisions apply only

to applicants for employment who apply for employment on and after January 1, 2009, and to contracts entered into on or after January 1, 2009.

This bill would state the intent of the Legislature that the well-being of employees of video service providers be promoted.

The people of the State of California do enact as follows:

SECTION 1. Section 7910 of the Public Utilities Code is amended to read:

7910. (a) Telephone corporations, holders of a state franchise pursuant to Division 2.5 (commencing with Section 5800), and a video provider, as defined in Section 53088.1 of the Government Code, shall perform background checks of applicants for employment, according to usual business practices.

(b) A background check equivalent to that performed by the contracting telephone corporation, a holder of a state franchise pursuant to Division 2.5 (commencing with Section 5800), and a video provider, as defined in Section 53088.1 of the Government Code, shall also be conducted on all of the following:

(1) Persons hired by a contracting entity under a personal services contract.

(2) Independent contractors and their employees.

(3) Vendors and their employees.

(c) Independent contractors and vendors shall certify that they have obtained the background checks required pursuant to subdivision (b), and shall make the background checks available to the contracting entity upon request.

(d) Except as otherwise provided by contract, the telephone corporation, a holder of a state franchise pursuant to Division 2.5 (commencing with Section 5800), and a video provider, as defined in Section 53088.1 of the Government Code, shall not be responsible for administering the background checks and shall not assume the cost of the background checks of individuals who are not applicants for employment of the contracting entity.

(e) (1) An individual shall not, on behalf of a telephone corporation, holder of a state franchise pursuant to Division 2.5 (commencing with Section 5800), or video provider, as defined in Section 53088.1 of the Government Code, enter upon the premises of any individual unless he or she has had the background check required by subdivisions (a) and (b).

(2) Subdivision (a) applies to applicants for employment for positions that would allow the applicant to have direct contact with or access to the company's network or central office and would require the applicant to perform activities that involve the installation, service, or repair of the company's network or equipment.

(3) Subdivision (b) applies to any person that has direct contact with or access to the company's network or central office and performs activities

that involve the installation, service, or repair of the company's network or equipment.

(f) This section does not apply to temporary workers performing emergency functions to restore the network of a telephone corporation to its normal state in the event of a natural disaster or an emergency that threatens or results in the loss of service.

(g) The provisions of this section apply only to applicants for employment who apply for employment on and after January 1, 2009, and to contracts entered into on or after January 1, 2009.

SEC. 2. It is the intent of the Legislature that the well-being of employees of video service providers be promoted.